IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B.CIVIL WRIT PETITION NO.5627/2001.

Shanker.

VERSUS

The Rajasthan Board of Muslim Wakfs.

11.12.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Mr.Rajnish Gupta, for the petitioner.
Mr.S.P.Sharma, for the respondents.

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The matter comes up on the application for amendment of the writ petition.

Learned counsel for the respondents, on the other hand, has submitted that the cause of action for which the petition was filed does not survive as in the writ petition, the petitioner has challenged the notice (Annexure-5) dated 09.11.2001 and the order dated 08.10.2001 (Annexure-4) passed by the Chief Executive Officer of the Wakf Board. It is submitted that the notice has since been withdrawn and a fresh Notification has been issued.

In the light of the above, the submission of the learned counsel for the petitioner is that since the notices which was earlier under challenge has been withdrawn, the writ petition does not survive and if at all the petitioner is aggrieved, he may file fresh petitioner challenging the subsequent Notification.

Having heard learned counsel for the parties, I am in agreement with the submission of the learned counsel for the petitioner that cause of action for which the petition was filed does not survive as the Notification under challenge has been withdrawn by the respondents.

In view of the same, the writ petition has become infructuous and consequently, the same as well as the stay application are dismissed as having become infructuous. However, since fresh Notification has been issued, the petitioner is at liberty to challenge the same afresh to enable the petitioner to file a fresh petition. The interim order dated 07.12.2001 shall remain in force for a period of thirty days.

The writ petition, the application for amendment and the stay application, consequently stand disposed of.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.